

REMARKS/ARGUMENTS

Claims 1-11 are pending in this application. Claim 1 is independent. Claims 1, 3, 4, 7, and 9 are amended. Applicant respectfully requests the reconsideration and allowance of all pending claims in view of the following remarks.

REJECTION UNDER 35 U.S.C. §112

In Sections 3-6, on page 2, the Office Action rejects claims 1-11 under 35 U.S.C. §112, second paragraph as allegedly being indefinite. Applicant respectfully submits that claim 1, as amended, resolves the issues detailed in the rejection. Thus, Applicant respectfully requests withdrawal of the rejection of claims 1-11 under 35 U.S.C. §112, second paragraph.

REJECTION UNDER 35 U.S.C. §103

In sections 7 and 8 on pages 4-6, the Office Action rejects claims 1,2, and 7-9 as allegedly unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 4,683,900 to Carmichael (hereinafter "Carmichael") in view of U.S. Patent No. 5,504,342 to Jaynes et al. (hereinafter "Jaynes").

As amended, independent claim 1 recites, "A handrail (18) attached to a tarpaulin cloth (12) having a handlebar (22) held between two bushes (20),

with the bushes each having a screw thread (26) that is inserted through the tarpaulin cloth in order to fasten them to a tarpaulin frame, and with which the bush is affixed to the tarpaulin frame.” (emphasis added).

Applicant respectfully submits that Carmichael fails to disclose, teach, or suggest the above-quoted subject matter. The tarpaulin in Carmichael contains a tarpaulin cloth attached to cross bars using coupling loops. See Column 3, Lines 7-21, Figs 1 and 2. Fabric loop handles are sewn to the top face of the tarpaulin. Id.

Although the tarpaulin contains handles, the handles are attached to the tarpaulin cloth, not the tarpaulin frame. The handles, when grasped and lifted, causes the tarpaulin to fold so that the handles are brought together for a convenient carrying position. See Column 4, Lines 50-54. Because the handles are attached to the tarpaulin cloth, rather than the tarpaulin frame, the handles would be unsuitable to support the weight of passenger trying to enter the boat.

Applicant respectfully submits that Jaynes fails to disclose, teach, or suggest the claimed subject matter quoted above. Jaynes describes a handrail with a bulb incorporated within it that is attached to the deck of a vessel. There is no mention of a tarpaulin in Jaynes.

Accordingly, Applicant respectfully submits that Carmichael and Jaynes fail to disclose, teach, or suggest “A handrail (18) attached to a tarpaulin cloth (12) having a handlebar (22) held between two bushes (20), with the bushes each having a screw thread (26) that is inserted through the

tarpaulin cloth in order to fasten them to a tarpaulin frame, and with which the bush is affixed to the tarpaulin frame,” as recited in independent claim 1.

Furthermore, it would not be obvious to utilize a handrail for attachment to a rail of a boat, shown in Jaynes, in place of the handle attached to the tarpaulin cloth in Carmichael. The handrail in Jaynes serves two purposes: for a passenger to grab for support and to provide illumination. The handle in Carmichael is used to collapse the tarpaulin and to hold on to for easy transport. Thus, the handrail and handle serve two completely different purposes. Furthermore, due to the attachment of the handle in Carmichael to the tarpaulin cloth, the replacement of the handle with a handrail would provide insufficient support for a passenger to hold on to when entering and exiting the craft. It would also be impractical, if not impossible, to attach the mounts used in Jaynes to the tarpaulin cloth in Carmichael.

Independent claim 1 is therefore allowable on based at least on the failure of Carmichael and Jaynes to disclose this subject matter.

Therefore for the foregoing reasons, independent claim 1 is allowable in light of the reference of record. Claims 2-11 depend from allowable claim 1. Therefore, claims 2-11 are allowable based at least upon their respective dependencies.

For at least the foregoing reasons, Applicant respectfully requests that the rejection of claims 1-11 under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further statements or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-3068 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
Dort Patent, Professional Corp.

Date

11/9/2009

A handwritten signature in black ink, appearing to be "David B. Dort", written over a horizontal line.

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